

## CHAPTER 110

## SEED TESTING FEES

H. F. 268

AN ACT to amend chapter one hundred thirty (130), section 10, Acts of the Forty-ninth General Assembly, relating to the fee for testing seed samples.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 SECTION 1. Chapter one hundred thirty (130), Section ten (10),
- 2 Acts of the Forty-ninth General Assembly, is amended by striking
- 3 from line twenty (20) the following: "fifty (50) cents" and substitut-
- 4 ing in lieu thereof the following: "one (1) dollar".

Approved April 4, 1945.

## CHAPTER 111

## AGRICULTURAL LIME

S. F. 396

AN ACT to repeal chapter one hundred fifty-four and one-tenth (154.1), code, 1939, and to enact a substitute therefor, relating to agricultural lime.

*Be It Enacted by the General Assembly of the State of Iowa:*

- 1 Chapter one hundred fifty-four and one-tenth (154.1), Code, 1939,
- 2 is hereby repealed, and the following enacted in lieu thereof:

- 1 SECTION 1. Before any person shall sell, offer for sale or dispose
- 2 of in this state any agricultural lime to be used for the correction of
- 3 soil acidity, such person shall file with the secretary of agriculture
- 4 an acceptable application for a license to sell, together with the license
- 5 fee, which application shall be sworn to before a notary public, or
- 6 other proper official, stating the name of the manufacturer, or shipper,
- 7 the location of the principal office of the manufacturer or shipper,
- 8 the name, brand, or trademark under which the agricultural lime
- 9 will be sold, on or before the thirty-first day of January in each year,
- 10 and the net tons sold during the previous year.

- 1 SEC. 2. Upon the acceptance of the above application and the proper
- 2 fees, the secretary of agriculture shall issue a license for the current
- 3 year. The payment of such license fee shall exempt an agent or dealer
- 4 of said licensee therein from the requirements of this section. All
- 5 licenses shall expire on the thirty-first day of January in each year.

- 1 SEC. 3. The annual license fee shall be computed as follows: for an
- 2 anticipated sale of five hundred (500) tons, five (\$5.00) dollars; for
- 3 a total anticipated sale of one thousand five hundred (1500) tons,
- 4 fifteen (\$15.00) dollars; for a total anticipated sale of two thousand
- 5 five hundred (2500) or more tons, twenty-five (\$25.00) dollars. In
- 6 case of doubt on the part of the secretary of agriculture that any
- 7 person, firm or corporation engaged in the sale of agricultural lime

8 has failed to secure an adequate license for the actual tonnage of  
9 such agricultural lime sold by said person during the previous year,  
10 the secretary of agriculture, or his legal representative, shall have  
11 access to and audit the books of said person, firm or corporation. In  
12 case a shortage in tonnage is shown by such audit, the secretary of  
13 agriculture may bring prosecution as provided in section six of this  
14 act.

1 SEC. 4. The term "agricultural lime" or "limestone" as herein used,  
2 shall include all calcium and magnesium products sold for agricultural  
3 purposes in the oxide, hydrate or carbonate form; such form being  
4 designated as "quicklime", hydrated lime, carbonate of lime and  
5 ground limestone.

1 SEC. 5. Any person who shall sell, offer or expose for sale any agri-  
2 cultural lime in this state, shall affix or cause to be affixed, to every  
3 package or sample of such agricultural lime in a conspicuous place  
4 on the outside thereof a tag, label, or way bill which shall be ac-  
5 cepted as a guarantee of the manufacturer, importer, dealer, agent  
6 or person, and which shall have plainly printed thereon in the English  
7 language the number of net pounds of agricultural lime in the pack-  
8 age or lot, the name, brand or trademark under which the agricul-  
9 tural lime is sold, the name of the manufacturer or shipper, the loca-  
10 tion of the principal office of the manufacturer and the guaranteed  
11 analysis of the total neutralizing power in terms of calcium carbonate  
12 equivalent, and the percentum of the total material that will pass  
13 through a number fifty mesh sieve, and the percentum of the total ma-  
14 terial that will pass through a number eight mesh sieve, and the per-  
15 centum of the total material that will pass through a number four mesh  
16 sieve. By a "number four", "number eight", and "number fifty" mesh  
17 sieve are meant four, eight and fifty meshes respectively per linear  
18 inch, according to the specifications of the American Society for Test-  
19 ing Materials. When agricultural lime is sold in bulk, a tag or way bill  
20 as hereinbefore described, shall be delivered to the consumer. In  
21 case of agricultural lime sold at factory or shipped in bulk, or deliv-  
22 ered in wagon or truck loads or other conveyances, it shall be accom-  
23 panied by at least one such statement as above required. No other  
24 form of analysis, and no duplication of terms or the equivalent there-  
25 of in other terms shall be used, and no percentage higher than actually  
26 guaranteed shall be applied to a package or lot, or branded upon the  
27 bag, or used in printed matter descriptive of such material, and no  
28 false or misleading name, brand or trademark shall be used in desig-  
29 nating it. Five percent tolerance shall be allowed on grades of fine-  
30 ness and on calcium carbonate equivalent.

1 SEC. 6. Whoever sells, offers for sale or exposes for sale or distri-  
2 bution any package or sample or any quantity of agricultural lime or  
3 limestone without complying with the provisions of this act relating  
4 to agricultural lime to be used for the correction of soil acidity, or  
5 permits any claim or guarantee to accompany or be printed or stamped  
6 on any parcel or way bill, lot or container, stating that the contents  
7 contain a higher percentum of calcium carbonate equivalent than it  
8 does in fact contain, or who shall adulterate any agricultural lime with  
9 foreign mineral matter or other foreign substances without plainly  
10 stating on the guarantee as described in section three hereof the kind

11 and amount of such mixture, or who shall adulterate the same with any  
12 substance injurious to the growth of plants, or make any false report,  
13 shall be deemed guilty of a misdemeanor. On conviction thereof he  
14 shall be fined not less than fifty dollars nor more than one hundred  
15 dollars, and the secretary of agriculture may revoke his license. In  
16 all litigation arising from the purchase or sale or disposal of any  
17 agricultural lime in which the composition of the same may be in-  
18 volved, a certified copy of the official analysis signed by an official  
19 chemist shall be accepted as prima facie evidence of the composition  
20 of such agricultural lime. The possession of agricultural lime, ex-  
21 cept by a person who has the same for his private use, without com-  
22 plying with the provisions of this act relative to agricultural lime,  
23 in any building, room, railroad equipment, store, storeroom, ware-  
24 house, truck or other place within this state shall be prima facie  
25 evidence of keeping the same for the purpose of selling or disposal.  
26 In all prosecutions under this act a justice of the peace, police judge,  
27 or mayor, shall have jurisdiction with the right of appeal to the Dis-  
28 trict Court by certiorari. It shall be the duty of the secretary of  
29 agriculture or his deputized representative to bring prosecution for  
30 all violations under the provisions of this act, or action may be com-  
31 menced by the Attorney General when requested to do so by the said  
32 secretary. A person authorized by law to prosecute a case under the  
33 provisions of this act shall not be required to advance or secure costs  
34 therein. If the defendant be acquitted or discharged from custody,  
35 or if he be convicted and committed in default of the payment of fine  
36 and costs, such costs shall be certified under oath by the court to the  
37 county auditor who shall, when verified, issue a warrant on the county  
38 treasurer payable to the person or persons entitled thereto. The sec-  
39 retary of agriculture shall rest his prosecution under this act on  
40 samples collected as provided in section seven hereof.

1 SEC. 7. The secretary of agriculture shall annually analyze, or cause  
2 to be analyzed, at least one sample of agricultural lime exposed for  
3 sale or disposal or offered for sale within the state under the pro-  
4 visions of this act, if found exposed for sale upon the markets of the  
5 state. The secretary of agriculture is hereby authorized either in  
6 person or by deputies to collect a representative sample for said  
7 analysis from any lot or package of agricultural lime which may be  
8 in the possession of any purchaser, manufacturer, shipper, employer,  
9 agent, or dealer therein, or any transportation agency in the state.  
10 The result of the analysis of the sample or samples so procured, to-  
11 gether with such additional information as circumstances advise or  
12 suggest, shall be set out in reports or bulletins issued from time to  
13 time, and also be a basis upon which prosecution may be brought.

1 SEC. 8. Any producer of limestone or person purchasing any agri-  
2 cultural lime in this state for his own use may submit fair samples  
3 of said lime to the department, accompanied by an analysis fee of one  
4 dollar for each sample, and a proper analysis of the same shall be  
5 made and furnished.

1 SEC. 9. All samples of agricultural lime to be used for analysis by  
2 or under the direction of the secretary of agriculture shall be  
3 from goods that have not been damaged while in transit or storage.

1 SEC. 10. The secretary of agriculture is hereby empowered to pre-  
 2 scribe and enforce such rules and regulations relating to agricultural  
 3 lime as may be deemed necessary to carry into effect the full intent  
 4 and meaning of this act, and to refuse the registration of any agri-  
 5 cultural lime under a name or claim which would be misleading.

1 SEC. 11. The moneys received under the provisions of this act shall  
 2 be paid into the state treasury. The secretary of agriculture shall  
 3 in his report made from time to time include a detailed statement of  
 4 the samples taken, analysis claimed by the person or persons offering  
 5 to sell agricultural lime or sending samples of same and the analysis  
 6 made by the secretary of agriculture.

1 SEC. 12. The secretary of agriculture shall include in all reports  
 2 published under this act a statement of moneys received from license  
 3 fees for the sale of agricultural lime and of fines collected from prose-  
 4 cutions in the enforcement of this act.

1 SEC. 13. Any person who shall obstruct the secretary of agriculture  
 2 or his agents or representatives when in the discharge of any duty or  
 3 duties prescribed by this act, shall be deemed to be guilty of a mis-  
 4 demeanor and upon conviction thereof shall be punished by a fine of  
 5 not less than ten dollars nor more than one hundred dollars for the  
 6 first offense, and for each subsequent offense by a fine of not less than  
 7 fifty dollars nor more than thirty days in jail, or by both such fine  
 8 and imprisonment.

1 SEC. 14. The several provisions of this act are hereby declared to  
 2 be severable, and if any provision of this act shall be held by any court  
 3 to be unconstitutional, it is the legislative intent that such judgment  
 4 shall not affect any other section or provision hereof.

Approved April 3, 1945.

## CHAPTER 112

### NARCOTIC DRUGS—ISONIPECAINE

H. F. 15

**AN ACT** to amend section three thousand one hundred sixty-nine and one hundredth (3169.01), code, 1939, relating to the uniform narcotic drug act.

*Be It Enacted by the General Assembly of the State of Iowa:*

1 SECTION 1. Section three thousand one hundred sixty-nine and one  
 2 hundredth (3169.01), Code, 1939, is hereby amended by striking from  
 3 subsection fifteen (15), line two (2), the word "and"; also by striking  
 4 the period (.) after the word "cannabis" in line two (2) and inserting  
 5 in lieu thereof a comma (,) and adding the following: "isonipecaine,  
 6 and every other substance neither chemically nor physically dis-  
 7 tinguishable from them."

1 SEC. 2. Also amend said section by adding a new subsection imme-  
 2 diately following section nineteen (19) as follows: "Isonipecaine means  
 3 the substance identified chemically as 1-methyl-4-phenyl-piperidine-4-